

LRB-2023-39 23/00532/FLL - Erection of a dwellinghouse and associated works, land north of 31 Main Street, Keltybridge

## PAPERS SUBMITTED BY THE APPLICANT

## **NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

#### Use BLOCK CAPITALS if completing in manuscript

Applicant(s)	Agent (if any)
Name BRUCE FERGUSON	Name MARK WILLIAMSON
Address 40 AGENT	Address 34 HERMITAGE DRIVE PERTH
Postcode	Postcode PHI 254
Contact Telephone 1 Contact Telephone 2 Fax No	Contact Telephone 1 07761 908656 Contact Telephone 2 Fax No
E-mail*	E-mail* markin 10? viginmedia.com
* Do you agree to correspondence regarding your rev	Mark this box to confirm all contact should be through this representative: Yes No riew being sent by e-mail?
Planning authority	PERTH ~ KINROSS COUNCIL
Planning authority's application reference number	23/00 532/FLL
Site address LAND TO THE NORT	t of 31 MAIN STREET, KELTYBRIDSE
development	BRETTINCHORRE
Date of application 05/04/2023 Da	te of decision (if any)
Note. This notice must be served on the planning auth notice or from the date of expiry of the period allowed	hority within three months of the date of the decision for determining the application.

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Nat	ure of application Notice of R	eview
		1
1.	Application for planning permission (including householder application)	$\square$
2.	Application for planning permission in principle	
3.	Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	
4.	Application for approval of matters specified in conditions	
Rea	isons for seeking review	
1. 2.	Refusal of application by appointed officer Failure by appointed officer to determine the application within the period allowed for	
	determination of the application	
3.	Conditions imposed on consent by appointed officer	

#### **Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4 Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

#### Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- 1. Can the site be viewed entirely from public land?
- 2 Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

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#### Statement

Notice of Review

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. <u>Note</u>: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

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#### List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

DOC 1. DECISION NOTICE DOC 2. HISTORICAL MAPS DOC 3. RESIDENTIAL PATTERN PHOTOS 1-3

<u>Note.</u> The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

#### Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:



Full completion of all parts of this form

Statement of your reasons for requiring a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

<u>Note.</u> Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

#### Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

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Signed

Date	17
Date	LIST

2023

## **Statement**

Notice of Review

Erection of a dwellinghouse and associated works at Land North Of 31 Main Street Keltybridge

23/00532/FLL

## 1. Introduction

This Notice of Review is submitted following the refusal of planning permission 23/00532/FLL under delegated powers on the 4 August 2023 for the erection of a dwellinghouse in Keltybridge (Doc 1).

The reasons for refusal are outlined below relating to impact on character and amenity, removal of trees and design impacting on listed buildings:-

1. The proposed development will have a detrimental impact on the distinct character and visual amenity of the village. The proposed development is poorly designed, will be detrimental to residential amenity and will not contribute positively to the surrounding built and natural environment. The proposal is not consistent with the six qualities of successful places. The proposal does not satisfy NPF4 Policy 14 Design Quality and Place and LDP2 Policy 1 Placemaking and related Placemaking Supplementary Guidance (2020).

2. The site is not an allocated housing site in LDP2, it is not in the settlement boundary of Keltybridge and the proposal does not address an identified gap in provision and therefore the proposed development does not satisfy NPF4 Policy 16 Quality Homes and LDP2 Policy 6: Settlement Boundaries.

3. The removal of the majority of trees on the site to enable the development of a dwellinghouse is not sustainable as there is evidence that the site has and is naturalising and is of biodiversity value. The proposal is poorly designed and is not in keeping with the character of the area. The proposal does not satisfy NPF4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings and NPF4 Policy 17a(ii) Rural Homes.

4. The poorly designed proposal on a prominent site in the village will have a detrimental effect on the setting of the listed buildings on the east side of Main Street. The proposal does not satisfy NPF4 Policy 7c Historic Assets and Places and LDP2 Policy 27A: Listed Buildings.

5. The loss of trees and habitat to enable the proposed development will have an adverse impact on the natural environment and biodiversity including protected

species and lead to the fragmentation of an existing network of green infrastructure. The proposal does not satisfy NPF4 Policy 1: Tackling the Climate and Nature Crisis, NPF4 Policy 2: Climate Mitigation and Adaptation, NPF4 Policy 3: Biodiversity, NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1: Placemaking, LDP2 Policy 40B: Trees, Woodland and Development, LDP2 Policy 41: Biodiversity and LDP2 Policy 42: Green Infrastructure.

In this Review it will be demonstrated that:-

- The proposal will not have a detrimental impact on the distinct character and visual amenity of the village
- The proposal is acceptable in principle on this site due to planning history and historic development
- The proposal is not poorly designed and will not have a detrimental impact on the listed buildings across the road
- There will be no significant loss of trees or habitat

It is important to note that during the planning application the Architect/agent looked to engage and encourage dialogue with the Planning Department to affect a successful outcome, however there was no effort to engage in this process from Perth and Kinross Council.

Furthermore, it was very disappointing to find that without any dialogue from the Planning Department in the application process, that the conclusions reached refer to the use of the phrase "poor design" which was mentioned throughout the refusal Report of Handling and Decision Notice. This is a disappointing, emotive and subjective phrase to use as a reason for refusal. It is arguable whether it is acceptable terminology to use in the first place as a reason for refusal, given it's subjective meaning. Architects and Planners are both custodians of the built environment we live in, and it rests with both to be proactive in this endeavour. It is hoped that in future a more constructive and helpful attitude will prevail in Perth and Kinross Planning Department.

#### Material considerations in the determination of the review proposal

It is important to consider the main purpose and context of the review application. Under Section 25 the Town and Country Planning (Scotland) Act 1997 it states that:- "where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

There is a long history of built development on the site as evidenced by historical maps – see Doc 2, where the 1894 Map shows the boundary of the wider site as consented under 13/02177/FLL. Following the detailed approval and subsequent completion of 2 dwellinghouses on this wider site, this land should be included in the local plan settlement boundary, as it is clearly distinct from the farm and wider countryside to the north and east.

Also, in this case it is considered that the siting of new housing on brownfield land is an important material consideration and it is a more sustainable solution than siting new housing on greenfield land.

#### **Planning History**

93/1491 Planning permission approved for the erection of a house approved December 1993.

94/693 Outline consent for 2 houses approved June 1994.

95/125 Reserved matters for a house refused March 1995.

00/01049/FUL Erection of 2 semi-detached dwellinghouses and associated carparking and landscaping at 2 November 2000 Application Withdrawn

00/01380/FUL Erection of a house on 2 November 2000 Application Refused

00/01558/FUL Siting of temporary caravan at 1 December 2000 Application Withdrawn

05/00204/FUL Temporary siting of a site office/storage cabin 27 April 2005 Application Permitted

05/02299/FUL Erection of a dwellinghouse with potential for use as guest house Application refused 2006 at appeal.

12/01340/FLL Erection of 4 dwellinghouses at Site 5B Main Street Keltybridge Application withdrawn November 2013

13/02177/FLL Erection of 2no. dwellinghouses 18 November 2015 Application Approved

17/01593/FLL Erection of 2no. dwellinghouses (revised design) 22 November 2017 Application Approved

18/00170/FLL Erection of 2no. dwellinghouses (revised design) (in part retrospect) 29 March 2018 Application Withdrawn

20/00201/FLL Erection of 2 dwellinghouses (in part retrospect) Application Approved

## 2. Current Planning Policy Context

#### **DEVELOPMENT PLAN**

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

NPF4 was adopted on 13 February 2023.

Relevant policies:-

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation

#### Policy 3: Biodiversity

- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places
- Policy 9: Brownfield, vacant and derelict land and empty buildings
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 16: Quality Homes
- Policy 17: Rural Homes
- Policy 20: Blue and Green Infrastructure

Perth and Kinross Local Development Plan 2 – Adopted November 2019

Relevant policies:-

Policy 1A: Placemaking

- Policy 1B: Placemaking
- Policy 6: Settlement Boundaries
- Policy 27A: Listed Buildings

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 42: Green Infrastructure

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 58A: Contaminated and Unstable Land: Contaminated Land

Policy 58B: Contaminated and Unstable Land: Unstable Land

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

#### Statutory Supplementary Guidance

Flood Risk and Flood Risk Assessments (adopted in 2021) Forest & Woodland Strategy (adopted in 2020) Green & Blue Infrastructure (adopted in 2020) Landscape (adopted in 2020) Placemaking (adopted in 2020)

OTHER POLICIES Non-Statutory Guidance

Planning & Biodiversity

NATIONAL GUIDANCE

Creating Places 2013

**Designing Streets 2010** 

National Roads Development Guide 2014

## 3. Reason for Refusal and Grounds of the Review

The reasons for the review and matters to be considered in the determination of the review refer to the reasons for refusal. The issues raised in these reasons will be considered below in the applicant's statement and argument against them in support of the Review.

#### Impact on the distinct character and visual amenity of the village.

The Review proposal for a single dwellinghouse on this site will not have a detrimental impact on the character and visual amenity of the village. There are already 2 dwellinghouses on the originally approved in principle residential site. There is also a long history of built development on the site dating back to the 19<sup>th</sup> century as indicated in the old maps. (Doc 2)

Historically housing has developed along the Main Street up until the late 19<sup>th</sup> century. Since then, housing development has expanded in a more ad hoq, random pattern to the east and west off the Main Street with infill, backland development and more recently a planned modern housing scheme to the north of the village at Middleton Park. There are a mixture of house types in the village at one and 2 storeys. Modern infill development is evident along Main Street. The listed buildings in the village are C listed and the one across the road from the Review site has a modern extension. It is not a Conservation village and the Review proposal with a traditional form, using traditional materials is not contrary to the existing character or pattern of development in the village. – see Doc 3 - Residential Pattern.

The Review proposal for a third dwellinghouse represents an increase in the built footprint of the originally approved site area, however the Review site can accommodate a dwellinghouse where there will be a satisfactory level of residential amenity for the occupiers and neighbouring properties. The Review application plot ratio is lower than the plot ratios for the 2 existing dwellinghouses adjacent and to the south.

The scale and design of the Review proposal is considered appropriate for it's context.

The architect's approach was to echo the vernacular architecture of the existing cottages in Main Street, with a single storey pitched roof design to the street with clay pantiles to the roof and coursed rubble stone walls.

The design is modest so that it will not have a detrimental visual impact on the twostorey C listed property on the opposite side of the road. Because of the slope of the site, being downhill from the road, it made sense to use the existing site topography and have a two-storey elevation in the design which will face east. The eastern elevation was an area where the architect could be a little freer with the design without compromising the character and street scene to the west.

Overall and similar to the adjacent dwellinghouses to the south the Review proposal will not adversely impact on the character and appearance of Main Street.

As indicated in the proposed site layout, there will still be an area of garden ground/green space retained to the north of the site. Despite the proposals put forward in the Landscape Plan and Biodiversity Report the Review proposal could be implemented without any loss of trees. This would help to satisfy the concerns and recommendations outlined in the Council's Biodiversity & Tree Officer's consultation response and could be secured by a condition on any consent.

The existing public landscape area and seating outwith and adjacent to the site to the west on Main Street will remain and be protected during and after construction.

The Review proposal will not have an adverse impact on the character and visual amenity of the village and is generally in accordance with NPF4 Policy 14 Design Quality and Place and LDP2 Policy 1 Placemaking and related Placemaking Supplementary Guidance (2020).

# The proposal is acceptable on this site despite being considered contrary to policy by the Planning Authority

It is clear in terms of siting, physical characteristics and relationship with existing dwellinghouses that the Review site is part of the village of Keltybridge and should not be excluded from the Development Plan settlement boundary.

The current settlement boundary is out of date and the dwellinghouses and associated land implemented under original planning consent 13/02177/FLL should be included within this settlement boundary.

This current exclusion from the local plan defined settlement therefore is academic, as the Review site is clearly part of the village and distinct from the wider agricultural land and countryside to the east.

The principle of residential use was established in June 1994 for the whole of this site when outline permission was granted for 2 dwellinghouses. As indicated historically the site is characterised by built development and more recently it was a brownfield site.

It is considered that the Review proposal for a dwellinghouse is acceptable given the history of the site and the more recent in-principle consent. The Review site and the dwellinghouses to the south are part of the village-built form, distinct from the adjacent countryside and should be included in the settlement boundary in the next Local Development Plan.

#### The proposal is not poorly designed

The proposal is not poorly designed and will not have a detrimental impact on the nearby listed property. The Review footprint is within the gable limits of the existing dwellinghouse to the south and it respects the existing building line.

The proposed dwellinghouse is traditional in form and addresses the street with a single storey elevation to reduce any impact on the listed property across Main Street.

The external materials proposed are traditional and particular to the local area with clay pantiles to the roof and coursed rubble stonework to the west and north elevation, smooth white render to the east elevation and a mixture of coursed rubble and smooth white render to the south elevation.

The window proportions on the west elevation addressing the street are traditional in scale and design and reflect the proportions of the nearby listed buildings. The window design on the east elevation facing away from the village towards the countryside are more modern and larger scale taking advantage of orientation. The overall design on this elevation is traditional and simple in form.

In terms of site layout there is adequate ground around the proposed dwellinghouse to provide sufficient amenity space for the occupiers and enough space to protect the amenity of neighbouring properties. There is satisfactory parking and turning facilities in accordance with Roads Design Standards.

There has been careful consideration given to the design and layout of the Review proposal to complement and conserve the traditional street scene at this location. The Review proposal, like the more modern infill elements in Keltybridge will not have a detrimental impact on the character or status of the C listed buildings in the village.

The proposal is in accordance with NPF4 Policy 7c Historic Assets and Places and LDP2 Policy 27A: Listed Buildings.

#### There will be no significant loss of trees or habitat

It is considered that the Review proposal can be implemented without any impact on or need for removal of the majority of the beech trees along the eastern boundary, which is an overgrown beech hedge. The modest design footprint proposed would fit easily on the site without the need to remove the present tree cover. (Photos 1-3)

In the Review application submission it was considered by the Ecologist that the trees/hedging on the site were of poor quality and that following the completion of a

Tree Survey, Tree Impact Assessment, Landscape Plan and Biodiversity & Enhancement Report, recommendations were made to improve site biodiversity.

The Review site is not of a high ecological value in terms of species mix and habitat value and it was envisaged that through proper landscape and planting management that the biodiversity of the site could be enhanced into the future rather than leaving it in it's current state.

It was established that the beech hedge along the eastern boundary had become overgrown and derelict, consisting of 17 beech trees. It was concluded that it is not a properly managed hedge, nor a properly planted woodland strip. The trees are too closely planted and will have stability issues later. To convert this strip back to a hedge is problematic and after lopping it may not recover or produce adequate side shoots. Beech trees are a shade dominant species and can result in a sterile ground layer devoid of vegetation.

It was therefore recommended to remove this row of beech trees and replace them with a suitable hedge using native species such hawthorn, blackthorn, hazel with alder/birch standards along the perimeter.

As stated above it will be possible to implement the Review proposal without losing any of the trees on site. Existing habitat will be protected and any requirements for species surveys could be conditioned on any consent.

The proposal is generally in accordance with NPF4 Policy 1: Tackling the Climate and Nature Crisis, NPF4 Policy 2: Climate Mitigation and Adaptation, NPF4 Policy 3: Biodiversity, NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1: Placemaking, LDP2 Policy 40B: Trees, Woodland and Development, LDP2 Policy 41: Biodiversity and LDP2 Policy 42: Green Infrastructure.

## 4. Conclusions

It is considered that the Review proposal is acceptable on this site and will not have any significantly detrimental impact on the character or appearance of Keltybridge.

As stated above the site has a long history of built development and a planning history of approval of residential use on the site.

The Review site's morphology and physical appearance reads as part of the village and is clearly distinct from the surrounding farmland. This is apparent from the historic site boundaries indicated in the old maps. This was confirmed in the 13/02177/FLL consent for residential use.

The current settlement boundary identified in the 2019 Local Development Plan is out of date and the dwellinghouses and associated land implemented under planning

consent 13/02177/FLL should be included in the local development plan settlement boundary.

The Review site can accommodate a dwellinghouse at a lower density than the neighbouring dwellinghouses to the south.

The proposed scale and design of the Review proposal will not have a detrimental impact on the character, appearance or setting of the nearby C-listed buildings or on character of the wider village.

The Review proposal can be developed without any existing tree removal as recommended by the Council's Tree & Biodiversity Officer, however the recommendations put forward in the application submission for landscaping and planting will provide a more diverse and sustainable habitat than presently exists on the site.

For the reasons outlined above it is considered that the Review proposal for a single dwellinghouse is acceptable and it is respectfully requested that the Review is upheld.



Pelaton Ltd c/o DDA Architect Terence Hughes 12 Corsie Drive Perth PH2 7BU Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date of Notice: 4th August 2023

#### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

#### Application Reference: 23/00532/FLL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 21st April 2023 for Planning Permission for **Erection of a dwellinghouse and associated works at Land North Of 31 Main Street Keltybridge** 

#### David Littlejohn Head of Planning and Development

#### **Reasons for Refusal**

- 1 The proposed development will have a detrimental impact on the distinct character and visual amenity of the village. The proposed development is poorly designed, will be detrimental to residential amenity and will not contribute positively to the surrounding built and natural environment. The proposal is not consistent with the six qualities of successful places. The proposal does not satisfy NPF4 Policy 14 Design Quality and Place and LDP2 Policy 1 Placemaking and related Placemaking Supplementary Guidance (2020).
- 2 The site is not an allocated housing site in LDP2, it is not in the settlement boundary of Keltybridge and the proposal does not address an identified gap in provision and therefore the proposed development does not satisfy NPF4 Policy 16 Quality Homes and LDP2 Policy 6: Settlement Boundaries.
- 3 The removal of the majority of trees on the site to enable the development of a dwellinghouse is not sustainable as there is evidence that the site has and is naturalising and is of biodiversity value. The proposal is poorly designed and is not in keeping with the character of the area. The proposal does not satisfy NPF4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings and NPF4 Policy 17a(ii) Rural Homes.
- 4 The poorly designed proposal on a prominent site in the village will have a detrimental effect on the setting of the listed buildings on the east side of Main Street. The proposal

does not satisfy NPF4 Policy 7c Historic Assets and Places and LDP2 Policy 27A: Listed Buildings.

5 The loss of trees and habitat to enable the proposed development will have an adverse impact on the natural environment and biodiversity including protected species and lead to the fragmentation of an existing network of green infrastructure. The proposal does not satisfy NPF4 Policy 1: Tackling the Climate and Nature Crisis, NPF4 Policy 2: Climate Mitigation and Adaptation, NPF4 Policy 3: Biodiversity, NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1: Placemaking, LDP2 Policy 40B: Trees, Woodland and Development, LDP2 Policy 41: Biodiversity and LDP2 Policy 42: Green Infrastructure.

#### Justification

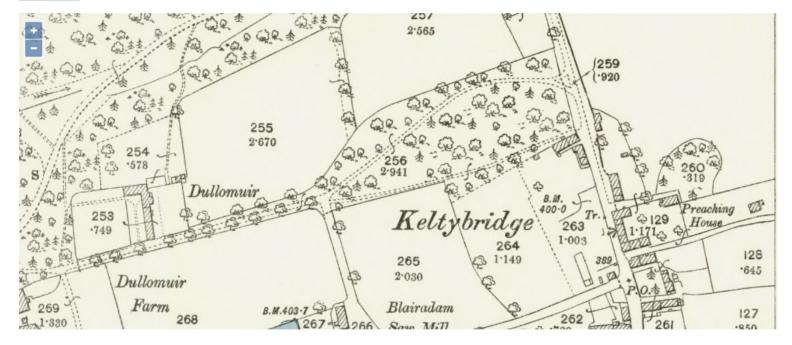
The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

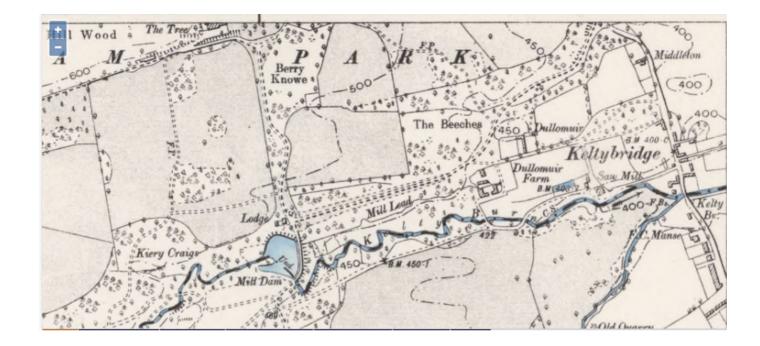
The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at <u>www.pkc.gov.uk</u> "Online Planning Applications" page.

**Plan Reference** 

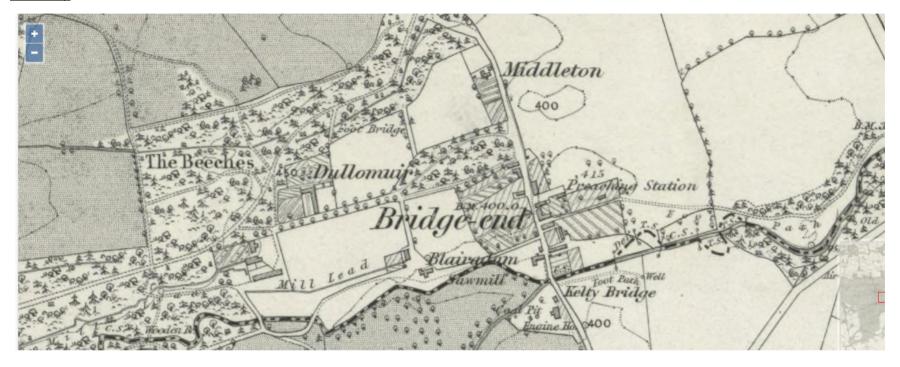
## Doc 2 – Historical Maps

#### <u>1894 Map</u>



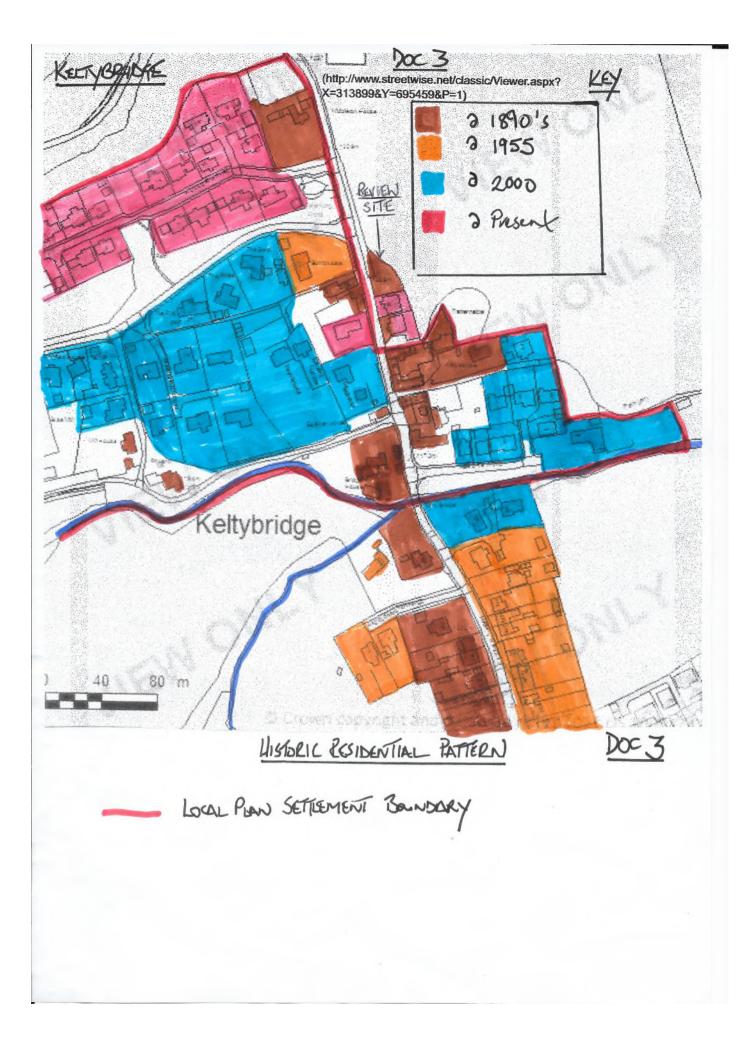


#### <u>1854 Map</u>



#### <u>1954 Map</u>





## Photo 1 – Looking south to site



Photo 2 - Looking east to site



